IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 30477 of 1997

Between:

The Chief Engineer (Generation), A.P.State Electricity Board,

Vidyuth Soudha, Somajiguda, Hyderabad.

..... PETITIONER

AND

1. Authority under the Payment of Wages Act, 1936 and

Joint Commissioner of Labour, Andhra Pradesh, Hyderabad.

2. M.A.Vazeer, President, A.P.Electricity Contract Workers Union,

K.T.P.S., Paloncha.

3. M/s. Balaji Coal Transports, KSP Road, Paloncha-507115.

4. M/s. Pragati Coal Transports, KSP Road, Paloncha-507115.

5. M/s. Padmavathi Coal Transports, Near Head Post Office,

Kothagudem, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus and declare the orders of the 1st respondent dated 30-9-1997 in P.W. Case No.1 of 1995 as illegal, arbitrary, without jurisdiction, contrary to facts and evidence on record and consequently set aside the same.

Counsel for the Petitioner : SMT.K.SESHARAJYAM
Counsel for Respondent No.1 : G.P. for Labour
Counsel for Respondent No.2 : Mr.G.CHANDRAIAH
Counsel for Respondent No.3 : Mr. A.Chandraiah Naidu
Counsel for Respondent Nos.4 & 5 : Mr. D.Vijaya Kumar.

The Court made the following :

ORDER :

This writ petition is filed by the petitioner stating that the Andhra Pradesh State Electricity Board, represented by the Chief Engineer (Generation), Hyderabad, against the order
dated 30-9-1997 passed by the Joint Commissioner of Labour, under the Payment of Wages Act, 1936 (for brevity 'the Act').

The applicants before the Authority under the Payment of Wages Act are the A.P. Electricity Board Contract Workers Union, Kothagudem Thermal Power Station, Paloncha, Khammam District and 58 others. But, however, the present writ petition is filed impleading only the first petitioner and without impleading the other 58 applicants, who are the actual beneficiaries of the order under the Act. In addition to that, the learned counsel appearing for the second respondent in the writ petition, submits that there is an effective alternative remedy of appeal under Section 17 of the Act against any order passed under sub-sections (2), (3) and (4) of Section 15 of the Act before the Court of Small Causes in the Presidency Towns, and in other cases before the District Court. The present writ petitioner, without availing the said alternative remedy of appeal, has approached this Court. Therefore, on the above two grounds, the writ petition is not maintainable.

The writ petition is accordingly dismissed. No costs.

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(S.ANANDA REDDY,J.)

5-11-2004.

Msr.

To

1. The Joint Commissioner of Labour-cum-Authority under

the Payment of Wages Act, 1936, Andhra Pradesh, Hyderabad.

2. 2CD copies

HON'BLE SRI JUSTICE S.ANANDA REDDY

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5-11-2004.

(Msr)